

REMARKS

Claims 1-23 are pending in this application. Claims 1-22 are rejected; and claim 23 is withdrawn from consideration. Claims 1, 6, 18 and 21 are amended hereby. Claims 16, 19 and 23 are canceled hereby.

Responsive to the objection to the drawings relative to exhaust vent 52, Applicant respectfully submits that element 52 is shown at least in Fig. 1 as filed. Responsive to the objection to the drawings relative to a trigger safety 50 mechanically coupled to trigger 34, Applicant has canceled these elements from claim 6, although they are shown in at least in Fig. 1 as filed. Responsive to the objection to the drawings relative to claims 18 and 19, Applicant has canceled the objected to elements from claim 18 and has canceled claim 19, without prejudice. Applicant respectfully submits that the drawings are in allowable form.

Responsive to the rejection of claim 6 under 35 U.S.C. § 112, first paragraph, Applicant has amended claim 6 keeping in mind the comments of the Examiner. Applicant respectfully submits that claim 6 is in allowable form.

Responsive to the rejection of claim 18 under 35 U.S.C. § 112, first paragraph, Applicant has amended claim 18 keeping in mind the comments of the Examiner. Applicant respectfully submits that claim 18 is in allowable form.

Responsive to the rejection of claim 19 under 35 U.S.C. § 112, first paragraph, Applicant has canceled claim 19 without prejudice.

Responsive to the rejection of claim 16 under 35 U.S.C. § 112, second paragraph, Applicant has canceled claim 16 without prejudice.

Responsive to the rejection of claims 1-5, 7-9 and 12-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,769,066 (Schneider), Applicant has amended claims 1 and 21,

and canceled claims 16 and 19, and submits that claims 1-5, 7-9 and 12-15, 17, 18 and 20-22 are in condition for allowance.

Schneider '066 discloses air control housing assembly 10 (Figs. 6 and 22) which includes a housing 12 having a substantially cylindrical bore 102 (column 3, lines 20-26). Air control sleeve 16 includes a cylindrical longitudinal bore 21 therethrough and radially extending evenly spaced ports 18 (column 3, lines 56-60). A stationary air piston sleeve 32 (Figs. 1, 16, 17 and and Figs. 22-24) includes a cylindrical bore 37 formed therethrough and an o-ring groove 35 (column 4, lines 5-8). At the instant of firing (Fig. 23), air reservoir 109 which has previously been charged with pressurized gas equal in pressure to that of line pressure entering into inlet 104 is vented into radial vents 26 of the air control spool 20 which momentarily align with the radial vents 18 of the air control spool 16, and in this position, the longitudinal bore 21 being previously sealed, receives the entire accumulated gas charge within gas reservoir 109, along with the pressurized gas available at inlet 104 from the pressurized gas source (column 5, lines 44-57). This entire pressurized gas charge is forced against the ball projectile B1 to propel it from barrel 72 (column 5, lines 58-59).

In contrast, claim 1 as amended recites in part: "an action including a housing defining a pressure reservoir with a discharge outlet connected to and approximately collinear with said barrel ...". (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schneider '066, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Schneider '066 disclose radial vents of the air control spool which momentarily align with the radial vents of another air control spool, and in this position, the longitudinal bore receives the entire accumulated gas charge within gas reservoir. The circuitous route of the radial vents, while

sufficient for a paintball application as shown in Schneider '066, provide resistance to gas flow and therefore restrict gas flow, and can not be used in the present invention as there would not be sufficient impacting gas flow to propel a relatively large projectile as is disclosed in the present invention. Schneider '066, and the other cited references, fail to disclose or suggest an action including a housing defining a pressure reservoir with a discharge outlet approximately collinear with the barrel. With a discharge outlet approximately collinear with the barrel, and the relatively large size of the discharge outlet, the present invention can exhaust the pressure reservoir nearly instantaneously to propel the large projectile, without incurring the resistance to flow and resultant energy losses of the radial vents of Schneider '066.

An advantage to the present invention is that the discharge outlet approximately collinear with the barrel can discharge a large amount of high pressure air quickly to propel a large projectile.

For all of the foregoing reasons, Applicant submits that claim 1, and claims 2-5, 7-9 and 12-15, 17, 18 and 20 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Similarly, claim 21 as amended recites in part: "An action for use in a pneumatic shooting device which has a barrel, said action comprising: a housing defining a pressure reservoir with a discharge outlet configured to be approximately collinear with the barrel ...". (Emphasis added). For all of the reasons given above with regard to Claim 1, Applicant submits that claim 21, and claim 22 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 6 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent No. 5,769,066 (Schneider) in view of U.S. Patent Application Publication No.

2004/0200466 (Salva), Applicant respectfully submits that claim 6 depends from claim 1 which is distinguished from the prior art including Schneider '066 and Salva '466 as discussed above.

Therefore, any dependent claim, including claim 6, is distinguished from the prior art. For all of the foregoing reasons, Applicant submits that claim 6 is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 10, 11 and 15 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent No. 5,769,066 (Schneider), Applicant respectfully submits that claims 10, 11 and 15 depend from claim 1 which is distinguished from the prior art including Schneider '066 as discussed above. Therefore, any dependent claims, including claims 10, 11 and 15, are distinguished from the prior art. For all of the foregoing reasons, Applicant submits that claims 10, 11 and 15 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the Examiner's request for information under 37 CFR 1.105 at pages 8-10 of the Office Action, Applicant has provided the requested information in the attached Affidavit.

For the foregoing reasons, Applicant submits that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Moreover, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Stephen D. Horchem  
Registration No. 53,035

Agent for Applicant

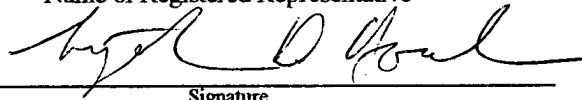
---

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: December 27, 2005.

Stephen D. Horchem, Reg. No. 53,035

Name of Registered Representative



Signature

December 27, 2005

Date

TTT7/

TAYLOR & AUST, P.C.  
142 S. Main Street  
P.O. Box 560  
Avilla, IN 46710  
Telephone: 260-897-3400  
Facsimile: 260-897-9300

Enc.: Return postcard